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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,824	02/13/2002	Kenneth Heath	RPS6043D1	1057
43971	7590	06/29/2006		
CARDINAL HEALTH 7000 CARDINAL PLACE LEGAL DEPARTMENT - INTELLECTUAL PROPERTY DUBLIN, OH 43017			EXAMINER NGUYEN, THUKHANH T	
			ART UNIT	PAPER NUMBER
			1722	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

10/075,824

Applicant(s)

HEATH, KENNETH

Examiner

Thu Khanh T. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 10 is again rejected under 35 U.S.C. 103(a) as being unpatentable over the WO 99/08857 reference in view of Zeiter et al (6,269,671).

The WO'857 references disclose an apparatus for forming pharmaceuticals blister, comprising a pin (6) having a body (14) and a concave face portion (18), a platen (16) with indicia (12) thereon, means for advancing the pin toward the platen (page 5, lines 25-27, the means for advancing the pin is inherently taught by the action of advancing the pin 6 to form the blister). The WO'857 is further capable of forming the blister and embossing the surface by keep advancing the pin into the platen so that the blister will be pushed against the platen to form an embossing on its surface.

However, the WO'857 reference fails to disclose that the pin also has indicia on its surface.

Since the WO'857 disclose the mold has an indicia to engrave on one side of the blister, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the WO'857 by also providing the indicia on the surface of the pin, so that the blister can be embossed on both sides.

The WO' 857 reference also fails to disclose that the pin face has two frusto-conical portions having different apex angles.

Zeiter et al disclose a method and apparatus for forming shaped packaging, comprising a pin (6) having a body and a face portion, which has at least two contiguous frusto-conical portions (Fig. 10, a, b, c) having different apex angles (Fig. 10, x, y, z); a platen (8) bearing an indicia forming die (col. 5, lines 7-12) and means for advancing the pin toward the platen (col. 8, lines 61-67); wherein the pin body and the pin face comprises different materials having different friction parameters (col. 5, lines 26-60).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify by providing the pin with two frusto-conical portions having different apex angles as taught by Zeiter in order form blisters having different shapes (col. 11, lines 32-49).

In regard to the material of the pin and the film, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the WO'857 reference by providing a coating material on the pin surface as taught by Zeiter (col. 6, lines 1-16) in order to reduce friction and facilitate the removal of the forming product. Because the material of the pin and the coating layer (col. 6, lines 1-16) are different than that of the film layer (col. 7, lines 14-42), they would inherently have different friction parameters.

Response to Arguments

3. Applicant's arguments filed June 14, 2006 have been fully considered but they are not persuasive.

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4. The Applicant argued that the coating material on the pin surface is not taught by Zeiter. The examiner respectfully disagrees. On column 6, line 1-16, Zeiter discloses that the stamping tool is made of material such as steel, or other rubber plastic material and the surface is coated with a layer of Teflon to reduce friction. Because steel, rubber, or other plastic material for making the stamping tool are different than Teflon, and are different than the metal-plastic laminates of the thin film layer, they have different friction parameters.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 571-272-1136. The examiner can normally be reached on Monday- Friday, 6:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gupta Yogendra can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN



YOGENDRA N. GUPTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700